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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

In the matter of

Amendment of Section 73.202(b)

Table of Assignments

FM Broadcast Stations

(La Fayette, Georgia)

RM- _____

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Tennessee Instructional Radio, by its counsel, hereby submits a Petition for Rule Making to amend the Commission's Table of FM Allotments to delete Channel 298A at La Fayette, Georgia. In support of the request to delete, Tennessee Instructional Radio states as follows:

1. The Commission allotted Channel 298A to La Fayette, Georgia, effective February 3, 1992, after releasing a Notice of Proposed Rule Making seeking comment on the proposed allotment, receiving supporting comments and counterproposals from three parties, and concluding that use of the channel at La Fayette would serve the public interest. Notice of Proposed Rule Making, 5 FCC Rcd 571 (1990) and Report & Order, 6 FCC Rcd 7427 (1991). The Report & Order established February 4 to March 5, 1992, as the period during which applications for the channel could be filed.

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2. Radix Broadcasting, Inc. ("Radix"), the original proponent of Channel 298A at La Fayette, filed an application for a construction permit on March 4, 1992. See FCC File No. BPH-920304MH. No other party has submitted an application for the channel. The Radix application, filed five years ago, remains pending.

3. The FCC has not acted on the application because Radix has been unable to obtain approval from the Federal Aviation Administration ("FAA") for its proposed facility. In fact, the FAA has twice concluded that operating the proposed facility would cause harmful interference to air navigation due to electromagnetic interference ("EMI").

4. Radix first reported to the FCC in September 1992 that the FAA had rejected a proposal to construct at the site specified in its March 1992 application. On December 21, 1994, Radix filed an amendment specifying a new transmitter site. The FAA had the same objection to the amended tower proposal and concluded that the proposal would have substantial adverse effects on aeronautical operations.

5. Radix, the proponent of Channel 298A and the sole applicant for that channel, has expended substantial effort to obtain FAA approval. Despite those efforts, it has been more than four years since the FAA first raised concerns, the FAA has not

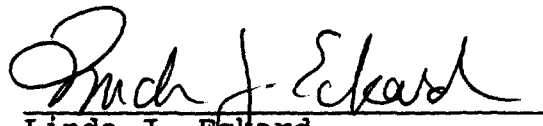
approved Radix's proposals, and there is no indication that FAA approval will be secured. Based upon the experience of Radix, Tennessee Instructional Radio submits that Channel 298A at La Fayette is a defective allotment that should be deleted from the Table of Allotments.¹ Deletion of the channel would make spectrum available to other parties who wish to make alternate proposals.²

WHEREFORE, for the foregoing reasons, Tennessee Instructional Radio requests that the Commission amend Section 73.202(b) to delete Channel 298A at La Fayette, Georgia, from the Table of FM Allotments.

Respectfully submitted,

TENNESSEE INSTRUCTIONAL RADIO

By:


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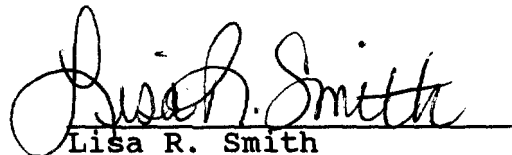
¹ If Channel 298A is deleted, La Fayette will not be without local service. WQCH(AM), which is owned by Radix, is also licensed to La Fayette.

² Deletion of the channel would also result in the dismissal of the pending application filed by Radix. A copy of this Petition For Rule Making is being served upon Radix Broadcasting, Inc.

CERTIFICATE OF SERVICE

I, Lisa R. Smith, a secretary in the law offices of Roberts & Eckard, P.C., do hereby certify that a true and correct copy of the foregoing "Petition for Rule Making" was sent this 22nd day of April, 1997, by first-class mail, postage prepaid, to the following:

Mr. Rich Gwyn
Radix Broadcasting, Inc.
Box 746
La Fayette, GA 30728


Lisa R. Smith